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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,571	03/22/2004	Mark Gibson	6175-065	2207
7590 Clifford Chance US LLP 200 Park Avenue New York, NY 10166-0153			EXAMINER AL VESTEPPER, STEPHEN D	
			ART UNIT	PAPER NUMBER
			2173	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/24/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/806,571

Applicant(s)

GIBSON ET AL.

Examiner

Stephen Alvesteffer

Art Unit

2197

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

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DETAILED ACTION

Claims 1-22 have been presented for examination. Claims 1, 18, and 20 are independent claims.

Specification

The use of the trademarks PENTIUM, MICROSOFT, WINDOWS NT, WINDOWS 98, WINDOWS 2000, WINDOWS XP, WINDOWS ME, UNIX, and LINUX, and MAC OS have been noted in this application. They should be capitalized wherever they appear and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-4, 7-12, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Maudlin, United States Patent Application Publication number 2004/0075697.

Regarding claims 1, 3, and 4, Maudlin teaches a computer-implemented method for displaying and manipulating a three-dimensional model in which display objects can obstruct the view of other display objects, and a cursor can be used to select objects to change their visibility characteristics. When an object is hidden, objects behind it become discernable and selectable. One having ordinary skill in the art will know that making an object hidden is the same as making the object invisible to the user (see paragraph [0065]).

Claim 2 is rejected under 35 U.S.C. 102(e) as being anticipated by Gordon, United States Patent number 7,043,701.

Regarding claim 2, Gordon teaches a method of displaying a three-dimensional workspace on a computer display in which a first set of objects obscures a second set of objects that reside deeper than the first set of objects. When the cursor is used to select one of the first set of objects, the opacity of the first set of objects is reduced so that the second set of objects are discernable and selectable. One having ordinary skill in the art will know that reducing the opacity of an object is the same as making an object transparent (see column 5, last paragraph).

Regarding claims 7-8, Maudlin teaches that input can be generated using a mouse (see paragraph [0037]).

Regarding claims 9-11, Maudlin teaches that the computer-generated model is a "solid model" according to the definition provided by the first paragraph of page 1 of the instant application. Maudlin's invention is capable of treating each object in the model as a separate face or surface, or grouping adjacent faces or surfaces into separate layers (see paragraph [0066]).

Regarding claim 12, Maudlin teaches that a hidden object can later be unhidden (see paragraph [0065]).

Claim 20 recites a digital computer that performs substantially the same method steps as claim 3 and is therefore rejected under the same grounds.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-6, 13-14, and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maudlin in view of Arnold, United States Patent number 6,812,940. Maudlin teaches that when an object is selected, an indicator box appears on the object to indicate that the item is selected. The steps can be repeated to select and change the visibility of other subsequent objects (see paragraph [0065]). Maudlin does not teach other methods of highlighting selected items such as displaying a border or changing the color of the selected items. Highlighting selected items was well known in

the art at the time the invention was made. Arnold teaches displaying a border around a selected object to highlight it to the user (see column 3, lines 51-55). It would have been obvious to one of ordinary skill in the art at the time the invention was made to highlight a selected item with a border in order to indicate that it is selected.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon in view of Arnold. Gordon teaches all the elements of claim 15 except for highlighting selected objects. Highlighting selected objects was well known in the art at the time the invention was made. It would have been obvious to combine the invention of Gordon with the highlighting selected objects of Arnold in order to indicate to the user which items were selected.

Claims 18-19 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maudlin in view of Arnold as applied to claims 5-6, 13-14, and 16-17 above, and further in view of Schell et al. (hereinafter Schell), United States Patent number 6,628,279.

Regarding claims 18-19, the combination of Maudlin and Arnold teach all the elements of claims 18-19 except the selection of edges and faces, where edges are highlighted by changing the line texture and faces are highlighted by changing the color. Schell teaches a three-dimensional modeling system where edges and faces can be selected (see column 5, lines 36-55) and selected edges are shown as dotted lines (see column 23, lines 12-16). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine elements from the inventions of Maudlin,

Arnold, and Schell in order to create an intuitive user interface for selecting three-dimensional objects.

Claims 21-22 recite a digital computer performing method steps substantially the same as the method steps of claim 19, therefore claims 21-22 are rejected under the same grounds.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Alvesteffer whose telephone number is (571) 270-1295. The examiner can normally be reached on Monday-Friday 7:30AM-5:00PM, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Jackson can be reached on (571) 274-1279. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Stephen Alvesteffer
Examiner
Art Unit 2197



SA
1-4-2007



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PRIMARY EXAMINER